

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PRECIOUS LOVE ACADEMY &
DAYCARE CENTER, LLC,
& LISA COLLIER

Plaintiffs,

v.

KATHY QUICK, CINDY HUDSON,
CARON AHLMEYER, NANCY SCHERER
& HON. JOHN J. KOPP

Defendants.

No. 4:10-CV-332 HEA

TEMPORARY RESTRAINING ORDER

This matter is before the Court on the plaintiffs' motion for a temporary restraining order. The Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331, in that the plaintiffs assert a claim under 42 U.S.C. § 1983, alleging violation of their rights under the Fourteenth Amendment to the United States Constitution. Notice of the complaint and motion was given to the defendants, on February 25, 2010.

Facts and Background

Plaintiff Precious Love Academy and Daycare, LLC's current license was issued on October 1, 2006 and expired on September 30, 2008.

Prior to September 30, 2008, Precious Love applied for a renewal of its daycare license.

Precious Love was issued a temporary license that expired on December 31, 2009.

On November 26, 2008, the Department of Health and Senior Services (DHSS) issued a denial of renewal letter.

On December 8, 2008, Precious Love appealed the denial of renewal of its daycare license.

On March 9, 2009, DHSS filed the Complaint with the Administrative Hearing Commission (AHC).

The AHC hearing officer conducted hearings on August 5, 2009 and September 17, 2009.

The AHC has not issued a decision.

Conclusion

The parties consent to the Court entering a Temporary Restraining Order under the factors set forth in Dataphase Systems, Inc. v. C. L. Systems, Inc., 640 F.2d 109 (8th Cir. 1981).

IT IS HEREBY ORDERED that the motion of the plaintiffs' for a temporary restraining order is **granted**.

IT IS FURTHER ORDERED that the Missouri Department of Health and Senior Services, Kathy Quick, Caron Ahlmeyer, and Nancy Scherer and each of them, and their agents, servants, employees, and representatives are hereby enjoined and restrained from communicating orally or in writing that Precious Love Academy & Daycare Center is operating without a license or that Lisa Collier is operating without a license Precious Love Academy & Daycare Center, except where such communication is required by law.


IT IS FURTHER ORDERED that the Missouri Department of Health and Senior Services, Kathy Quick, Caron Ahlmeyer, and Nancy Scherer, **not later than Monday, March 1, 2010**, mail or otherwise provide a copy of this Order to each of the individuals, agencies and other entities whom they previously informed of the denial of the plaintiffs' application for renewal of child care license.

IT IS FURTHER ORDERED that plaintiffs shall be allowed to operate as a licensed child-care facility during the pendency of all administrative proceedings involving the renewal of plaintiffs' child-care facility license issued on October 1, 2006.

IT IS FURTHER ORDERED that since Precious Love Academy & Daycare Center has not been operating full since December 31, 2008, it shall have a fire, sanitation and a DHSS inspection before caring for more than four children.

IT IS FURTHER ORDERED that no bond is required.

Entered at 10:50 a.m. this 2nd day of March, 2010


HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE